

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JEFFREY MAKUCH,

Plaintiff,

v.

Civil Action No.: 2:18cv359

SPIRIT CRUISES, LLC, *et al.*,

Defendants.

SPIRIT CRUISES, LLC'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Spirit Cruises, LLC's ("Spirit"), by counsel, answers the Complaint in corresponding numbered paragraphs as follows:

1. Spirit denies the allegations contained in Paragraph 1 of the Complaint.
2. Upon information and belief, Spirit admits the allegations contained in Paragraph 2 of the Complaint.
3. Spirit admits that Spirit owns the Spirit of Norfolk as the sole owner. Spirit denies all remaining allegations contained in Paragraph 3 of the Complaint.
4. Spirit admits the allegations contained in Paragraph 4 of the Complaint.
5. Spirit admits the allegations contained in Paragraph 5 of the Complaint.
6. The allegations contained in Paragraph 6 contain legal conclusions to which no response is required. To the extent a response is required, Spirit states that the allegation is an incomplete statement of law and therefore denies Paragraph 6.
7. Spirit is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 7 of the Complaint and, therefore, denies all such allegations.

8. Spirit is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 8 of the Complaint and, therefore, denies all such allegations.

9. Spirit is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 9 of the Complaint and, therefore, denies all such allegations.

10. Spirit admits that the top deck features an antiskid deck. Spirit denies any remaining allegations contained in Paragraph 10 of the Complaint.

11. Spirit is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 11 of the Complaint as the allegations are vague and ambiguous and, therefore, denies all such allegations.

12. Spirit is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 12 of the Complaint and, therefore, denies all such allegations.

13. Spirit admits the allegations contained in Paragraph 13 of the Complaint.

14. Spirit denies the allegations contained in Paragraph 14 of the Complaint.

15. Spirit is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 15 of the Complaint and, therefore, denies all such allegations.

16. The allegations contained in Paragraph 16 and its subparts contain legal conclusions to which no response is required. To the extent a response is required, Spirit denies the allegations contained in Paragraph 16 of the Complaint and its subparts.

17. Spirit denies the allegations contained in Paragraph 17 of the Complaint.

18. Spirit denies the allegations contained in Paragraph 18 of the Complaint.

Spirit denies all other allegations, including the prayer for relief, not expressly admitted above.

AFFIRMATIVE DEFENSES

1. Spirit denies all allegations of the Complaint not expressly admitted by it, and demands strict proof of all denied allegations.
2. Plaintiff has failed to state a claim upon which relief can be granted.
3. Plaintiff's damages, if any, are the result of the negligence, intentional acts, and/or fault of third parties, other than Spirit, which includes but is not limited to the comparative negligence of the Plaintiff.
4. Spirit affirmatively states that Plaintiff has failed to mitigate his damages.
5. Spirit reserves the right to amend its affirmative defenses pending completion of discovery.

WHEREFORE, having fully answered the Complaint, Spirit Cruises, LLC requests that Plaintiff's Complaint be dismissed and that Spirit Cruises, LLC be awarded its costs and attorneys' fees herein, and for any other relief the Court deems just and proper.

SPIRIT CRUISES, LLC

By: /s/ Jennifer L. Eaton
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing pleading was electronically filed with the Court's ECF system. The undersigned further certifies that a copy of the foregoing **Answer and Affirmative Defenses** has also been served via first class mail, postage-paid and addressed to:

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